IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 1755 of 2004(D)

CRA.338/2003 of ADDL.SESSIONS COURT (SPL.CAURT), KOTTAYAM
CC.197/2000 of JUDL.MAGISTRATE OF FIRST CLASS, ETTUMANUR

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REVN. PETITIONER: APPELLANT/ACCUSED:

K.V. MADHUSOODANAN NAIR,
KADAMATTUMALIYIL HOUSE, PEROOR P.O.,
DO. KARA AND VILLAGE.

BY ADV. SRI.P.CHANDY JOSEPH

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE:

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. PERINGOTTUKARA FINANCE & INVESTMENT
COMPANY LTD., ETTUMANOOR P.O.

BY ADV. SRI.N.J.JOHNSON
PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.R.P.NO. 1755 OF 2004

Dated this the 19th day of December, 2006.

ORDER

This Revision Petition is directed against a concurrent verdict of guilty, conviction and sentence imposed on the petitioner in a prosecution under Section 138 of the Negotiable Instruments Act. The respondent has also entered appearance through counsel.

2. When this revision petition came up for hearing, the learned counsel for the petitioner and the respondent have submitted that the matter has been settled amicably between the parties. They have filed a joint application for composition duly signed by the rival contestants and counter signed by the respondent's counsel. The learned counsel for the respondent/complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence punishable under Section 138 of the N.I Act is now compoundable after amendment to the N.I Act. I am satisfied, from the submissions made by the counsel as also the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition.

The composition can now be accepted and granted requisite leave under Section 320(6) Cr.P.C.

4. In the result:

i) Crl.M.A.No.12887 of 2006 is allowed and the composition is accepted after granting the requisite leave;

ii) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I Act as stipulated under Sec.320(8) of the Cr.P.C;

iii) This revision petition is accordingly allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

5. It is submitted that an amount of Rs.21,834/- (Rupees twenty one thousand eight hundred and thirty four only) is in deposit before the learned Magistrate. Both counsel pray that the said amount may be directed to release to the accused/revision petitioner herein. The said request is accepted. The amount, if available in deposit, shall be released to the accused/revision petitioner herein by the learned Magistrate.

(**R.BASANT,JUDGE)**

jsr

R.BASANT, J.

Crl.R.P.NO. 304 OF 2006

Dated this the 26th day of June, 2006.

ORDER

(R.BASANT, JUDGE)

rtr/

5. An amount of Rs.20,000/- is said to be deposited before the trial court. Both counsel prays that the same amount may be released to the revision petitioner/accused. The request is accepted. If the amount is available, the same shall be released to the accused / petitioner herein